

**Translation**

**PATENT COOPERATION TREATY**

**PCT**

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

|  |   |   |
|--|---|---|
| Applicant's or agent's file reference<br><b>93 963.WO</b>                    | FOR FURTHER ACTION<br>See Form PCT/IPEA/416                     |   |
| International application No.<br><b>PCT/EP2004/002474</b>                    | International filing date (day/month/year)<br><b>11.03.2004</b> | Priority date (day/month/year)<br><b>14.03.2003</b> |
| International Patent Classification (IPC) or national classification and IPC |   |   |
| Applicant<br><b>RPC BRAMLAGE GMBH</b>  |   |   |

|  |              |   |           |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                                     |             |  |                          |              |   |
|--|--------------|---|-----------|---------------------|--------------------------|------------|----------|--------------------------|-------------|--|--------------------------|------------|----------------------------|-------------------------------------|-----------|---|--------------------------|------------|-------------------------|-------------------------------------|-------------|--|--------------------------|--------------|---|
| <p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>7</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>2</u> sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input checked="" type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s))</p> <p>_____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> |              |   |           |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                                     |             |  |                          |              |   |
| <p>4. This report contains indications relating to the following items:</p> <table border="0"> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>   |              | <input checked="" type="checkbox"/>   | Box No. I | Basis of the report | <input type="checkbox"/> | Box No. II | Priority | <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability | <input type="checkbox"/> | Box No. IV | Lack of unity of invention | <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | <input type="checkbox"/> | Box No. VI | Certain documents cited | <input checked="" type="checkbox"/> | Box No. VII | Certain defects in the international application | <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |
| <input checked="" type="checkbox"/>  | Box No. I    | Basis of the report   |           |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                                     |             |  |                          |              |   |
| <input type="checkbox"/>   | Box No. II   | Priority  |           |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                                     |             |  |                          |              |   |
| <input type="checkbox"/>   | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |           |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                                     |             |  |                          |              |   |
| <input type="checkbox"/>   | Box No. IV   | Lack of unity of invention  |           |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                                     |             |  |                          |              |   |
| <input checked="" type="checkbox"/>  | Box No. V    | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |           |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                                     |             |  |                          |              |   |
| <input type="checkbox"/>   | Box No. VI   | Certain documents cited   |           |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                                     |             |  |                          |              |   |
| <input checked="" type="checkbox"/>  | Box No. VII  | Certain defects in the international application  |           |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                                     |             |  |                          |              |   |
| <input type="checkbox"/>   | Box No. VIII | Certain observations on the international application   |           |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                                     |             |  |                          |              |   |

|   |                                   |
|---|-----------------------------------|
| Date of submission of the demand        | Date of completion of this report |
| Name and mailing address of the IPEA/EP | Authorized officer                |
| Facsimile No.                           | Telephone No.                     |

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/002474

Box No. I

Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-13 \_\_\_\_\_ as originally filed/furnished
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the claims:
- nos. 3-13 \_\_\_\_\_ as originally filed/furnished
- nos.\* \_\_\_\_\_ as amended (together with any statement) under Article 19
- nos.\* 1, 2 \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the drawings:
- sheets 1/8-8/8 \_\_\_\_\_ as originally filed/furnished
- sheets\* \_\_\_\_\_ received by this Authority on Received with the Demand
- sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_
4. ☒ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages \_\_\_\_\_
- ☒ the claims, nos. 1 \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/002474

| Box No. V  | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |             |     |
|--|---|-------------|-----|
| 1. Statement   |   |             |     |
| Novelty (N)  | Claims  | <u>1-13</u> | YES |
|  | Claims  |             | NO  |
| Inventive step (IS)  | Claims  | <u>1-13</u> | YES |
|  | Claims  |             | NO  |
| Industrial applicability (IA)  | Claims  | <u>1-13</u> | YES |
|  | Claims  |             | NO  |
| 2. Citations and explanations (Rule 70.7)  |   |             |     |
| 1. This report refers to the following document:   |   |             |     |
| D1: DE 893 996 C   |   |             |     |
| 2. <u>INDEPENDENT CLAIM 1</u>  |   |             |     |
| 2.1 Document D1 discloses (the references in parentheses are to figures 5 and 6 in D1) a tablet dispenser for holding a large number of tablets (28) and dispensing them individually, consisting of two box-like casing sections of the same length placed one over the other, specifically a lower casing section (13) with a dispensing opening (15) for single tablets (28) in the side wall <u>in one corner of the casing</u> , and an upper casing section (14) with no end wall at the dispensing end, with a blocking element (23) located inside the dispenser at the end face, the housing sections being connected in such a way that they can slide in opposite directions parallel to the container axis, such that the movement of the housing sections alternately opens and closes the dispensing opening (15); wherein in the lower casing section (13) of the dispenser at the corner opposite the dispensing opening (15) there is a dead space blocker (21); and wherein the dead space blocker and the blocking element (21, 23) can slide |   |             |     |

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

relative to each other and are designed to work together as controlled release elements to ensure that each time the casing sections (13, 14) complete a sliding movement only one tablet (28) reaches the dispensing area at the dispensing opening (15).

The subject matter of claim 1 differs from the above in that the blocking element is in the form of a projection with a broader back portion that projects as a step at the dispensing end. The positioning is such that the distance between the back portion and the side wall of the upper casing section at the dispensing end is greater than the diameter of the tablets, and the distance between the back portion and the side wall of the lower casing section at the dispensing end is less than the diameter of the tablets.

The subject matter of claim 1 is therefore novel.

- 2.2 The problem addressed by the invention can thus be seen as that of making the dispenser more compact. The dispenser described in D1 requires a large dead space (22) which the blocking element enters when the dispenser is closed. With the blocking element according to the present invention the dead space can be eliminated. This type of blocking element is not found in the prior art, and therefore the subject matter of claim 1 involves an inventive step.

3. DEPENDENT CLAIMS 2 TO 13

Claims 2 to 13 are appended to claim 1 and therefore also meet the PCT requirements in respect of novelty and inventive step.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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| Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
|-----------|---|
|           |   |

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/002474

**Box No. VII**      **Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

Contrary to the requirements of PCT Rule 5.1(a)(ii), the description does not cite document D1 or give an account of the relevant prior art disclosed therein.

**Supplemental Box**

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

**Box I****Basis of the report**

The applicant has deleted the following feature in claim 1:

- the dispensing opening is in one corner of the casing

The deletion of this feature introduces subject matter which goes beyond the content of the application as originally filed. This is a violation of PCT Article 34(2)(b).

For the purposes of this preliminary examination report it has therefore been assumed that the above feature was not deleted.